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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,586	03/22/2004	Pual T. Potter		9257

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Paul Potter
6434 Eppard Street
Falls Church, VA 22044

EXAMINER

LAU, HOI CHING

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,586

Applicant(s)

POTTER, PUAL T.

Examiner

Hoi C. Lau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 22 have been examined.

Specification

2. The disclosure is objected to because of the following informalities:

The disclose paragraph 34 in page 2 is incomplete in specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (U.S. 2004/0160319).

Regarding **Claim 1**, Joao's system comprise:

vehicle alarm detectable external to the vehicle for signaling that the vehicle is being misappropriated (page 3, paragraph 25);

an alarm discharge apparatus for discharging the vehicle alarm (page 3, paragraph 25);

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a misappropriation signal for communicating to the alarm discharge apparatus that the vehicle is being misappropriated (page 2, paragraph 20 and page 3, paragraphs 24-25);

a public response system for reporting a detection of the vehicle alarm (page 5, paragraphs 58 and 62-63);

and a recovery service agency for directing recovery of the vehicle (page 5, paragraphs 62-63).

As to **claim 2**, Joao's system comprises:

a recovery processor (4) for implementing a recovery action (page 2, paragraphs 20-22 and page 5, paragraphs 53 and 62-63);

a misappropriation signal handler (4) for processing the misappropriation signal wherein the misappropriation signal handler provides input to the recovery processor (page 2, paragraphs 20-23 and page 3, paragraphs 24-27); and

a trigger apparatus (4) for triggering the vehicle alarm wherein the recovery processor activates the trigger apparatus thus discharging the vehicle alarm (page 3, paragraphs 24-27).

It is inherently that the CPU able to perform the function of the recovery processor, misappropriation signal handler and a trigger apparatus.

As to **claim 3**, it teaches the misappropriation signal handler comprises a receiver for receiving an external recovery signal (page 2, paragraphs 15 and 20 and page 3, paragraphs 33-35).

As to **claim 5**, it teaches the misappropriation signal handler comprises logic for generating an internal recovery signal (page 2, paragraphs 20-23 and page 3, paragraphs 24-25 and 34).

It is inherently that the CPU is processing and generating signal by CPU logic.

As to **claim 6**, it teaches the recovery processor further comprises a vehicle shutoff system for disabling the vehicle whereby the vehicle shutoff system disables the vehicle close in time to discharging the vehicle alarm (page 2, paragraph 23 and page 3, paragraphs 24-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Spencer et al. (U.S. 2002/0080769).

As to **Claim 4**, Joao's system meets all the limitation of claim and it teaches the external recovery signal receiver is a radio receiver (remote system) (page 2, paragraphs 15-16 and page 3, paragraphs 34-35).

It fails to show the radio receiver operating in unlicensed frequency spectrum.

Spencer's device teaches radio receiver operating in unlicensed frequency spectrum (page 1, paragraphs 1 and 3-4).

It would have been obvious to one of ordinary skill in the art to use an unlicensed frequency spectrum because it would improve a long delay before communication is established which with consequently a poor service experienced by users.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Blackburn et al. (U.S. 6,825,576).

As to **claim 7**, Joao's system meets all the limitation of claims except it fails to show a speed sensor for detecting the vehicle's speed.

Blackburn's device shows the processor further comprises a speed sensor for detecting the vehicle's speed whereby the vehicle shutoff system will only operate when the vehicle's speed is below some predetermined speed (column 1, lines 67 and column 2, lines 55-60 and column 3, lines 1-28 and column 4, lines 13-24).

It would have been obvious to one of ordinary skill in the art to implement a speed sensor with the recovery processor because it would disable the vehicle once the vehicle has stopped and lock the stopped position for tracking theft.

6. Claims 8, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Rossides (U.S. 5,276,435).

As to **claim 8**, Joao's system meets all the limitation of claims and it teaches the public response system for reporting an observance of the vehicle alarm (page 5, paragraphs 58 and 62-63).

It fails to show an incentive for encouraging a member of the public for reporting the approximate location of the vehicle alarm.

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Rossides's device teaches an incentive for encouraging a member of the public for reporting the approximate location of vehicle alarm (column 5, lines 19-30 and column 10, lines 23-25 and column 13, lines 27-44)

It would have been obvious to one of ordinary skill in the art to implement an incentive for encouraging public for report because it would accelerate the recovery process by identify the position of the stolen vehicle.

Regarding **Claim 18**, Joao's system comprises:

discharging a vehicle alarm for signaling that a vehicle is being misappropriated, which vehicle alarm being highly detectable from outside the vehicle (page 3, paragraph 25).

providing a communications mean to a recovery service agency for reporting the detection of the vehicle alarm (page 5, paragraphs 58 and 62-63); and

the recovery service agency coordinating the recovery of the vehicle (page 5, paragraphs 58 and 62-63).

It would have been obvious to one of ordinary skill in the art the vehicle alarm does not require line of sight to the vehicle because it is not required of using infra-red and any optical emitter to transmit signal for detection of alarm.

It fails to show educating the public that there is an incentive to reporting a detection of the vehicle alarm;

Rossides's device teaches a method for educating the public that there is an incentive to reporting a detection of the vehicle alarm (column 5, lines 19-30 and column 10, lines 23-25 and column 13, lines 27-44);

See rejection of claim 8.

As to **claim 20**, Joao's system teaches the vehicle transmitting a signal to the recovery service agency indicating that the vehicle is being misappropriated (page 2, paragraphs 20-21 and page 3, paragraphs 33-35 and page 5, paragraphs 58 and 62-63).

As to **claim 21**, Joao's system teaches a recovery service agency subscriber communicating to the recovery service agency that a recovery service agency subscriber's vehicle has been misappropriated (page 5, paragraphs 62-63).

As to **claim 22**, Joao's system teaches recovery service agency transmitting an external recovery signal to the vehicle (page 2, paragraphs 20-21 and page 3, paragraphs 33-35 and page 5, paragraphs 58 and 62-63).

7. Claims 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Kretzmar et al. (U.S. 5,912,615).

Regarding **Claim 9**, Joao's system comprise:

a vehicle alarm detectable external to the vehicle for signaling that the vehicle is being misappropriated wherein the vehicle alarm (page 3, paragraph 25);

a misappropriation signal for communicating to the alarm discharge apparatus that the vehicle is being misappropriated (page 3, paragraph 25);

a public response system for reporting a detection of alarm (page 5, paragraphs 58 and 62-63); and

a recovery service agency for directing recovery of the vehicle (page 5, paragraphs 58 and 62-63).

It fails to show an alarm discharge apparatus for discharging the smoke flare.

Kretzmar's device teaches an alarm discharge apparatus for discharging the smoke flare (column 3, lines 3-21).

It would have been obvious to one of ordinary skill in the art to implement the smoke flare as a alarm because it would provide a strong indication for public of stolen vehicle to in order the accelerate the recovery process and used to deter the theft.

As to **claim 10**, Joao's system comprises:

a misappropriation signal handler (4) for processing a recovery required signal (page 2, paragraphs 20-23 and page 3, paragraphs 24-27);

a recovery processor (4) for implementing a recovery action (page 2, paragraphs 20-22 and page 5, paragraphs 53 and 62-63);

a positioning apparatus for positioning the alarm of stolen vehicle (page 3, paragraph 28 and 33-35); and

a trigger apparatus (4) for activate the alarm wherein the recovery processor activates the trigger apparatus thus discharging alarm (page 3, paragraphs 24-27).

It fails to show an alarm discharge apparatus for discharging the smoke flare.

Kretzmar's device teaches an alarm discharge apparatus for discharging the smoke flare (column 3, lines 3-21).

See rejection of claim 9.

As to **claim 11**, Joao's system teaches the misappropriation signal handler further comprising a receiver for receiving an external recovery signal (page 3, paragraph 33-35).

As to **claim 13**, Joao's system teaches the misappropriation signal handler further comprising logic (CPU) for generating an internal recovery signal (figure 1 and page 2, paragraphs 20-22 and page 3, paragraphs 24-27).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Kretzmar et al. (U.S. 5,912,615), in further view of Spencer et al. (U.S. 2002/0080769).

As to **claim 12**, the combination meets all the limitation of claims except it fails to show the external recovery signal receiver is a radio receiver operating in unlicensed frequency spectrum.

Spencer's device teaches radio receiver operating in unlicensed frequency spectrum (page 1, paragraphs 1 and 3-4).

It would have been obvious to one of ordinary skill in the art to use an unlicensed frequency spectrum because it would improve a long delay before communication is establish which with consequently a poor service experienced by users.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Kretzmar et al. (U.S. 5,912,615), in further view of Rossides (U.S. 5,276,435).

As to **claim 17**, Joao's system meets all the limitation of claims and it teaches the public response system for reporting an observance of the vehicle alarm (page 5, paragraphs 58 and 62-63).

It fails to show an incentive for encouraging a member of the public for reporting the approximate location of the vehicle alarm.

Rossides's device teaches an incentive for encouraging a member of the public for reporting the approximate location of vehicle alarm (column 5, lines 19-30 and column 10, lines 23-25 and column 13, lines 27-44)

It would have been obvious to one of ordinary skill in the art to implement an incentive for encouraging public for report because it would accelerate the recovery process by identify the position of the stolen vehicle.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (U.S. 2004/0160319) in view of Rossides (U.S. 5,276,435), in further view of Kretzmar et al. (U.S. 5,912,615).

As to **claim 19**, the combination meets all the limitation of claims except it fails to show the vehicle alarm is smoke flare.

Kretzmar's device teaches an alarm discharge apparatus for discharging the smoke flare (column 3, lines 3-21).

See rejection of claim 9.

Allowable Subject Matter

11. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

With regards of **claim 14**, the prior art does not specifically disclose or suggest the vehicle shutoff system disables the vehicle close in time to discharging the smoke flare.

With regards of **claim 15**, it is allowable because the dependency of claim 14.

With regards of **claim 16**, the prior art does not specifically disclose or suggest an enclosure sensor for detecting whether the vehicle is enclosed whereby the smoke flare will be discharged only if the vehicle is not enclosed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Slicker et al. (U.S. 2004/0140885) "Vehicle Security ...".
- b. Ando et al. (U.S. 2005/0146422) "Device for detecting ...".

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- c. Tikkanen et al. (U.S. 6,373,382) "Bicycle theft protection ...".
- d. Nakayama et al. (U.S. 2002/0093419) "Vehicular Reporting ...".

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547.

The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL


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